



DECLARATION

Attorney Docket No. IN REISSUE APPLICATION
P405.12-0001

As ~~RAUL~~ named inventor, I declare that:

1. I am a citizen of United States, now residing at Fond Du Lac, Wisconsin.
2. I believe that I am the original, first and sole inventor of the invention described and claimed in U.S. Patent No. 5,888,109, issued March 30, 1999, and in this reissue application.
3. I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment. I acknowledge the duty to disclose information which is known to me to be material to the patentability of this application in accordance with 37 C.F.R. 1.56.
4. I believe U.S. Patent No. 5,888,109 is partly inoperative by reason that I did not claim my invention in claims of the scope to which I am entitled and in terms fully defining its intended scope. As a result, I claimed less in my U.S. Patent No. 5,888,109 than I had a right to claim. For example:
 - a. New claim 29 differs from the previous claims because the tie down bracket element of claim 29 does not include additional identification of the placement of the tie down bracket. Further, new claim 29 differs from claim 1 because claim 29 includes a description of the support when the motor is in a down position and discusses the tie down element and the tie down bracket when the motor is in the up position.
 - b. New claim 34 does not include a tie down bracket which is included in each of the independent claims that have already issued. New claim 34 includes a flexible tie down element which is not found in each of the previously allowed independent claims.
 - c. New claim 37 discusses a tie down bracket having holes at opposite ends while claim 13 does not. Claim 13 discusses a "first and a second tab which extend from the base opposedly facing each other wherein the first and second tabs each have a hole." Additionally, claim 37 discusses the support and a tie down element in relation to the position of the motor whether in an down and up position; claim 13 does not.
 - d. New claim 39 does not have a tie down bracket element while each of the issued claims has a tie down bracket element, additionally claim 39 discusses the tie down element in regards to how it secures the "drive shaft housing in place against the cradle when the motor is in an up position" while each of the already issued independent claims does not.
 - e. New claim 40 does not have a tie down bracket element while each of the already issued claims does. Further, new claim 40 discusses a "means connected between the support and the motor for rotating the support upward when the motor is tilted from a down position" to an up position while each of the previously issued claims does not discuss the rotation of the motor or its upward or downward position.
5. The failure to claim my invention with the scope defined in independent claims 29, 34, 37 and 39 and 40 represents errors which are corrected by the addition of those claims. With this reissue application, I am seeking broadened claims within two years of the patent grant.
6. I am also seeking to correct errors contained in original dependent claims 4, 21, and 26. Dependent claims 4 and 21 should state "device" instead of what it currently states which is "tie down strap." Dependent claim 26 should state "plane of rotation" rather than "axis of rotation."

7. I believe that all errors, resulting in my claiming less than I had a right to claim in U.S. Patent No. 5,888,109 as set forth in paragraphs 4 and 5, and including the errors set forth in paragraph 6, are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

8. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

DESIGNATION OF CORRESPONDENCE ADDRESS

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